

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Phipps et al.	)	
			)	
U.S. Serial No	:	10/576,824	)	Examiner:
			)	Sahar Javanmard
Filed	:	August 31, 2006	)	
			)	
Cnfrm No	:	9061	)	Art Unit:
			)	1617
For	:	USE OF PEROXISOME PROLIFERATOR-	)	
		ACTIVATED RECEPTOR GAMMA (PPAR $\gamma$ )	)	
		AND/OR RETINOIC ACID RECEPTOR (RXR)	)	
		AGONISTS TO INHIBIT PLATELET	)	
		FUNCTIONS	)	

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RESPONSE TO RESTRICTION REQUIREMENT

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This submission is in response to the January 24, 2008, office action, imposing restriction and election of species requirements. Pursuant to 37 C.F.R. §1.7, this submission is being timely filed.

In response to the restriction requirement, applicants hereby elect Group I (i.e., claims 17-26) with traverse.

Applicants hereby traverse the restriction requirement as between Groups I and II, specifically, because the claims in these two groups are directed to related subject matter. Group I is directed to a method of inhibiting thrombosis, and Group II is directed to a method of treating or preventing a thrombotic condition or disorder, but both groups require “contacting mammalian platelets ... with an effective amount of PPAR $\gamma$ , a PPAR $\gamma$  agonist, an RXR agonist, or a combination thereof...” Because of the relatedness of these groups of invention, applicants submit that search and examination can be conducted without undue burden.

Applicants also traverse the restriction requirement generally. The U.S. Patent and Trademark Office (“PTO”) cites to U.S. Patent No. 6,399,640 to Sahoo et al. (“Sahoo”) as evidence that no special technical feature exists, but the PTO has failed to explain how Sahoo’s disclosure of a class of peroxisome proliferator-activated receptor agonists destroys the novelty or inventiveness of the claimed methods of use of Groups I, II, III, and V, or the

stored blood product of Group IV. Indeed, Sato merely indicates that the disclosed agonists can be used to treat diabetes mellitus, hyperglycemia, obesity, hyperlipidemia, hypertriglyceridemia, hypercholesterolemia, atherosclerosis, vascular restenosis, irritable bowel syndrome, pancreatitis, abdominal obesity, adipose cell tumors, adipose cell carcinomas, dyslipidemia, and other disorders where insulin resistance is a component including Syndrome X and ovarian hyperandrogenism. Nowhere is inhibiting thrombosis, or treating or preventing a thrombotic condition or disorder discussed in Sahoo. Moreover, Sahoo fails to teach or suggest use of the disclosed PPAR agonists for treating a blood product, or a stored blood product so treated, let alone for inhibiting platelet activation. Thus, Sahoo fails to destroy the novelty or inventiveness of any of the claimed inventions. The PTO has failed to cite any other basis for the alleged absence of a special technical feature. For these reasons, the restriction (for lack of unity) is improper in its entirety.

For all these reasons, the restriction requirement should be withdrawn at least in part (with respect to Groups I and II), but preferably in its entirety.

In response to the election of species requirement, applicants hereby elect the subgenus of glitazones from claim 21. Claims of Group I reading on the elected subgenus of glitazones include claims 17-23 and 25. (It is unclear from the office action whether applicants are also required to elect a species of RXR agonist from claim 22. If so, then applicants elect the specie 9-*cis*-retinoic acid. Claims of Group I reading on 9-*cis*-retinoic acid include claims 17-23 and 25.)

To the extent Group II is rejoined with Group I, then applicants provisionally elect myocardial infarction from claim 37. Claims of Group II reading on this species include claims 27-37.

If any further action is required by the applicants, then applicants invite the examiner to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

Date: February 25, 2008

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